

Second **AMENDED**

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office..... MAR 19 1990
 Returned to applicant for correction..... JUN 8 1990
 Corrected application filed..... JUN 22 1990
 Map filed..... JUN 22 1990

The applicant..... MC Development
PO BOX 2060....., of..... Winnemucca
Street and No. or P.O. Box No. City or Town
Nevada 89445
State and Zip Code No., hereby make...^s application for permission to appropriate the public
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
 copartnership or association, give names of members.) A partnership of Douglas E. Glenn, Paul D.
Miller, John M. Doyle and Robert N. Caldwell

1. The source of the proposed appropriation is..... Martin Creek
Name of stream, lake, spring, underground or other source
2. The amount of water applied for is..... 10,000 c.f.s......second-feet
One second-foot equals 448.83 gals. per min.
 (a) If stored in reservoir give number of acre-feet..... 60,000
3. The water to be used for..... recreation
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated.....
 - (b) Stockwater, state number and kinds of animals to be watered.....
 - (c) Other use (describe fully under "No. 12. Remarks").....
 - (d) Power:
 - (1) Horsepower developed.....
 - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point..... SW¼ NE¼ Section 12, T.42N, R.40E.,
Describe as being within a 40-acre subdivision of public
M.D.B. & M., or at a point from which the West ¼ corner of Section 7, T.42N.,
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
R.41E., M.D.B. & M. bears S 67°31'27" E 2,791.0'.
6. Place of use..... See Exhibit "A"
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7. Use will begin about..... October 1st and end about..... April 1st....., of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
 specifications of your diversion or storage works.)..... dam
State manner in which water is to be diverted, i.e. diversion structure, ditches and
 flumes, drilled well with pump and motor, etc.
9. Estimated cost of works..... \$7,500,000

10. Estimated time required to construct works..... 5 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 6 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

This application is made for the diversion of 60,000 acre feet of the surplus waters of Martin Creek. The surplus water being the water of Martin Creek that flows during the non-irrigation season in excess of the requirement for stockwater & domestic as set forth in the Little Humboldt Decree, or any other rights permitted subsequently by the State Engineer. The recreational use proposed by this application will be from January 1st thru December 31st. The actual diversion of water will be from October 1st thru April 1st.

/s/Robert N. Caldwell
By..... 146 West Second Street
Winnemucca, Nevada 89445

Compared..... bp/CC

Protested..... 8/30/90 by Robert R. Humphrey 9/7/90 by Stephen or Mildred Ferraro

.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed on or before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed..... IN TESTIMONY WHEREOF, I.....

Proof of beneficial use filed..... State Engineer of Nevada, have hereunto set my hand and the seal of my
office, this..... day of.....

Cultural map filed.....

Certificate No..... Issued..... A.D. 19.....

State Engineer

(O)-5314 (Rev.)
OCT 5 1992
STATE ENGINEER

Protested: 9/7/90 by Albert Leland Lowry
9/7/90 by Pershing Co. Water Conser. District of NV
9/7/90 by Janet Altaffer-Lowry
9/10/90 by Bureau of Land Management Winnemucca District
9/11/90 by Darlene L. Grove,
9/12/90 by Leslie J. Stewart, Partner of NINETY-SIX RANCH
9/12/90 by Duane Boggio, 9/13/90 by Peter J. Marvel
9/13/90 by Leland Miller Trustee of the
 Alvin E. Miller Family Trust
9/14/90 by Robert A. Mac Diarmid
9/14/90 by Steven E. Lucas, Partner of 101 Ranch

Amended Application to Appropriate
Application Number 54559
MC Development
Exhibit "A"

Place of Use

Portions of:

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T.42N., R.40E., M.D.B. & M.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T.42N., R.40E., M.D.B. & M.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T.42N., R.40E., M.D.B. & M.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T.42N., R.40E., M.D.B. & M.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T.42N., R.40E., M.D.B. & M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.42N., R.40E., M.D.B. & M.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T.42N., R.40E., M.D.B. & M.

Lot 2 of Section 5, T.42N., R.41E., M.D.B. & M.
Lot 3 of Section 5, T.42N., R.41E., M.D.B. & M.
Lot 4 of Section 5, T.42N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T.42N., R.41E., M.D.B. & M.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T.42N., R.41E., M.D.B. & M.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, T.42N., R.41E., M.D.B. & M.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T.42N., R.41E., M.D.B. & M.
Lot 6 of Section 6, T.42N., R.41E., M.D.B. & M.
Lot 7 of Section 6, T.42N., R.41E., M.D.B. & M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T.42N., R.41E., M.D.B. & M.
Lot 1 of Section 7, T.42N., R.41E., M.D.B. & M.
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T.42N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T.43N., R.41E., M.D.B. & M.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.43N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.43N., R.41E., M.D.B. & M.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T.43N., R.41E., M.D.B. & M.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.43N., R.41E., M.D.B. & M.

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.43N., R.41E., M.D.B. & M.

281.2 acres more or less.